

## **REMARKS**

Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. No claims have been amended. Claims 1-11, 14, 16-18 and 20-21 were previously withdrawn. Claim 22 has been added. Thus, claims 12-13, 15, 19 and 22 are pending.

### **35 U.S.C. §103(a) Rejections**

#### **35 U.S.C. § 103(a) Rejection over Zelczer in view of Aitken**

Claims 12, 13, 15 and 19 were rejected under 35 U.S.C. § 103(a) “as being unpatentable over Zelczer (U.S. Patent Number 4,545,524) in view of Aitken (U.S. Patent Number 2,008,431).” The Office Action asserts that it would be obvious to use the pin and band disclosed in Aitken to secure an air tube to the nipple and bladder disclosed in Zelczer. For an obviousness rejection under 35 U.S.C. § 103(a) to be successful, the Office Action must cite references which when considered as a whole suggest the desirability of making the combination of the claim. *MPEP § 2141*.

The Office Action specifically takes the position that only Aitken discloses or suggests a connecting pin. FIGS. 1-3 of Aitken show a pin J that is a part of the structure of nipple C and is used as a male coupling in a bayonet joint. The bayonet joint needs a reciprocal slot I, formed at the end of tube H, which in turn must be rigid enough to hold the shape of a female coupling. The applicant respectfully submits that Aitken does not suggest a pin which pierces an air tube and nipple to secure the air tube to the nipple. Pin J is not an independent pin element separate

from the nipple, as found in the claims, but merely a male coupling located on the nipple. The coupling does not pierce nipple C, but is merely located on the surface of its inner diameter. Moreover, rather than piercing rigid tube H, pin J slides into the recess which forms reciprocal slot I. Aitken does not teach or suggest either the pin, the pin piercing the nipple, or the pin piercing the air tube. Since Aitken does not suggest at least these claim elements, the applicant submits that present invention is non-obvious over the cited references.

The Office Action also asserts that Aitken suggests the use of a band surrounding the nipple to prevent the pin from dislodging from the nipple. The Office Action cites a *band* M in FIGS. 1-3 of Aitken's patent, but the figures show only a *screw* M. Screw M is not shown to surround or in any other way affix pin J, and is not longitudinally in position with pin J along the length of the nipple. To do so for the purposes of this response, applicant assumes that the Examiner is referring to element H, the rigid tube as the band. As discussed above, one side of rigid tube H forms a reciprocal slot I to accommodate pin J. The applicant submits that band H does not prevent pin J from dislodging from the nipple, since pin J is part of nipple C and cannot move with respect to it. Furthermore, if pin J could move with respect to the nipple, such movement would not be prevented by rigid tube H or any of the surrounding structure. Since Aitken does not suggest either a pin that is moveable with respect to a nipple or the need to secure such movement, the applicant's claims are non-obvious over the cited references. For at least this reason and the foregoing reasons, the applicant requests that the rejection of claims 12, 13, 15 and 19 under 35 U.S.C. § 103(a) be withdrawn.

### **NEW CLAIM**

Applicant requests the addition of a new claim 22, which depends on claim 12 and reads as follows:

22. (New)     The pneumatic bladder assembly of claim 12 wherein:  
  
                 the pin pierces through two opposing sides of the nipple and through two  
  
opposing sides of the air tube.

It is the applicant's understanding that new claim 22 is allowable in view of the references cited by the Examiner. New claim 22 is supported in the specification by FIG. 11 and discussion thereof on page 12, lines 20-26. Applicant further submits that no new matter is introduced with the added claim, and that the above response to the Office Action may be read independent of the new claim.

**CONCLUSION**

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 12-13, 15 and 19 are in condition for allowance and such action is earnestly solicited, and new claim 22 is submitted for the Examiner's consideration. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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